

Atty. Dkt. No. 039153-0649 (H0982)

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 11, 12, 15, 17, 18, 20, 23, 24, 25, 26, 28, and 30 are currently being amended. The claims are amended for clarity and to advance prosecution. No new matter is added. No claims are being added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

The Abstract and Title have been amended for clarity. No new matter is added.

After amending the claims as set forth above, claims 11-30 are now pending in this application.

On page 2 of the Office Action, the Examiner stated that the "Applicants intended to state that they cancelled claims 1-10 without prejudice, and that claims 11-30 remain active in the application." Applicants agree to the intended statement. Accordingly, claims 11-30 remain active in the application.

On page 2 of the Office Action, claim 15 is objected to for an informality. Claim 15 has been amended to correct the informality. Withdrawal of the objection to claim 15 is respectfully requested.

On pages 2-3 of the Office Action, claims 11, 12, and 19-23 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2004/0053477 (Ghyselen) with *Semiconductor Wafer Bonding*, Wiley-Interscience, 1998) (Tong). The Examiner states:

Regarding claim 11, Ghyselen et al. teaches a method of making a structure, the method comprising providing a first semiconductor substrate including a base layer (1 in Fig. 2b), a strained

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semiconductor layer (3 in Fig. 2b), and a first oxide layer (not pictured—paragraph 0080); attaching a second semiconductor substrate (4 in Fig. 2c) including a second oxide layer (paragraph 0080) to the first oxide layer; and separating the base layer from the first substrate (Fig. 2d; paragraph 0085). The phrase “method of making an SMOS structure containing a plurality of transistors” has not been given patentable weight because it appears in the claim preamble, and none of the process steps recited in claim 1 relate to this preamble. Furthermore, the structure formed by the method taught by Ghyselen et al. could be used to make an SMOS structure containing a plurality of transistors, since the method taught by Ghyselen et al. is identical to the method claimed in Applicant’s claim 1.

Applicants respectfully traverse the rejection.

On pages 5-10 of the Office Action, claims 24 and 25 are rejected under 35 U.S.C. § 103 as being unpatentable over Ghyselen in view of U.S. Patent No. 6,900,502 (Ge). The Examiner states:

Regarding claims 24 and 25, Ghyselen et al. teaches the method of claim 20 (note 35 U.S.C. 102(e) rejection above), but does not teach that a channel region or a source and drain region are disposed in the strained silicon layer.

Ge et al. teaches forming a channel region (30 in Fig. 1) and source and drain regions (24 and 26 in Fig. 1) in a strained silicon layer (18 in Fig. 1; column 3, lines 28-31 and 53-57) because strained silicon has higher carrier mobility than relaxed silicon (Ge et al., column 1, lines 24-61; Ghyselen et al., paragraph 0034).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use the strained silicon layer taught by Ghyselen et al. as a channel and source/drain layer, as taught by Ge et al., since strained silicon layers are known to have increased carrier mobility, as taught by Ge et al. and Ghyselen et al., which results in improved device performance.

Applicants respectfully traverse the rejections.

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On page 5 of the Office Action, claims 13-17, 28 and 29 are rejected under 35 U.S.C. § 103 as being unpatentable over Ghyselen in view of U.S. Patent No. 5,801,075 (Gardner). The Examiner states:

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ghyselen and Gardner by using the method to fabricate an IGFET taught by Gardner with the substrate taught by Ghyselen and taught by claim 11, wherein the top layer is silicon germanium . . .

Applicants respectfully traverse the rejections.

On page 9 of the Office Action, claims 26 and 27 are rejected under 35 U.S.C. § 103 as being unpatentable over Ghyselen in view of Ge and further in view of Gardner. Applicants respectfully traverse the rejection. Ge, Gardner and Ghyselen are referred to below as the cited art,

On page 10 of the Office Action, claims 18 and 30 are objected to as being dependent upon a rejected base claim. The Examiner indicated that claims 18 and 20 would be allowable if rewritten in independent form. To advance prosecution, Applicants have amended claim 11 to include the limitations of dependent claims 12 and 18. Accordingly, it is respectfully submitted that claim 11 and its dependent claims 12-19 are patentable over the cited art.

Claim 20 has been amended to include the language explicitly recited in the text of dependent claim 18. Accordingly, it is respectfully submitted that independent claim 20 and its dependent claims 21-27 are patentable over the cited art.

Independent Claim 28 has been amended to include the limitation of claim 30. Accordingly, it is respectfully submitted that independent claim 28 and its dependent claims 29-30 are patentable over the cited art.

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Applicants believe that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

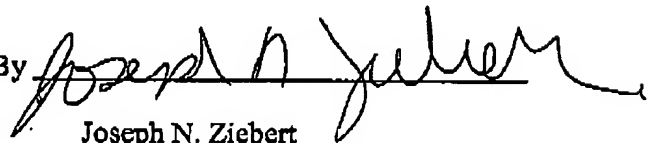
Respectfully submitted,

Date

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FOLEY & LARDNER LLP
Customer Number: 34083
Telephone: (414) 297-5768
Facsimile: (414) 297-4900

By



Joseph N. Ziebert
Attorney for Applicant
Registration No. 35,421